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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 IN RE: VOLKSWAGEN “CLEAN DIESEL” MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION )  
 17 This Document Relates to: )  
 18 COMMONWEALTH OF KENTUCKY, *ex rel.* ANDY BESHEAR, Attorney General, )  
 19 Plaintiff, )  
 20 v. )  
 21 VOLKSWAGEN GROUP OF AMERICA, INC. d/b/a or a/k/a VOLKSWAGEN OF AMERICA, INC., *et al.*, )  
 22 Defendants. )  
 23 No. 3:16-cv-00027-GVFT )  
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**JOINT STIPULATION FOR REMAND PURSUANT TO SETTLEMENT**

Pursuant to Local Rule 7.1(a)(5), Plaintiff the Commonwealth of Kentucky (“Kentucky”) and Defendants Volkswagen Group of America, Inc. d/b/a or a/k/a Volkswagen Of America, Inc., Volkswagen Aktiengesellschaft d/b/a or a/k/a Volkswagen Group, Audi of America, LLC, Audi Aktiengesellschaft, d/b/a or a/k/a Audi AG, Porsche Cars North America, Inc., and Dr. Ing. H.C. F. Porsche AG, d/b/a Porsche AG (collectively, “Defendants”) (Kentucky and Defendants together, “the Parties”) file their Joint Stipulation For Remand Pursuant to Settlement as follows:

WHEREAS, Kentucky filed its Complaint in *Kentucky ex rel. Beshear v. Volkswagen Group of America, Inc.*, No. 16-CI-00304 (the “Kentucky Action”) in the Franklin Circuit Court of the Commonwealth of Kentucky on March 22, 2016;

WHEREAS, on April 11, 2016, Defendants removed the Kentucky Action to the United States District Court for the Eastern District of Kentucky, Case No. 3:16-cv-00027-GFVT;

WHEREAS, on April 12, 2016, Kentucky moved to remand the Kentucky Action to state court;

WHEREAS, on May 25, 2016, the United States District Court for the Eastern District of Kentucky stayed the Kentucky Action pending the final decision of the U.S. Judicial Panel on Multidistrict Litigation (“JPML”);

WHEREAS, on August 8, 2016, the JPML transferred the Kentucky Action to this Court pursuant to the Transfer Order;

WHEREAS, on July 1, 2016, the Parties executed a settlement agreement that resolves the Kentucky Action (“Settlement Agreement”);

WHEREAS, paragraph 2 of the Settlement Agreement contemplates that the Kentucky Action will be remanded to the Franklin Circuit Court for submission of a Consent Judgment reflecting the terms of the Settlement Agreement;

WHEREAS, Defendants believe that the Kentucky Action was properly removed to the U.S. District Court for the Eastern District of Kentucky and transferred to this Court, dispute the grounds relied on by Kentucky in its motion to remand, and agree to remand of the Kentucky Action

solely for the limited purpose of filing a Consent Judgment as contemplated under the Settlement Agreement;

WHEREAS, Kentucky believes that the Kentucky Action was not properly removed to the U.S. District Court for the Eastern District of Kentucky and transferred to this Court, Kentucky disputes the grounds relied on by the Defendants in their removal petition, motion to stay, and their opposition to the Commonwealth's motion to vacate the JPMI's conditional transfer order, and Kentucky agrees to remand of the Kentucky Action solely for the limited purpose of filing a Consent Judgment as contemplated under the Settlement Agreement;

IT IS THEREFORE STIPULATED AND AGREED by the Parties, through their respective counsel of record, that, subject to the Court's approval, the action be remanded to the Franklin Circuit Court of the Commonwealth of Kentucky, without prejudice to the rights of any party.

Dated: November 1, 2016

Respectfully submitted,

/s/ S. Travis Mayo (with permission)

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## *Liaison Counsel for the Porsche Defendants*

\* \* \*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2016

CHARLES R. BREYER  
United States District Judge

**ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: November 1, 2016

SULLIVAN & CROMWELL LLP

/s/ Laura Kabler Oswell  
Laura Kabler Oswell